Remarks

In the action dated August 27, 2003, claims 1 and 2 were rejected as anticipated by Kayser et al (US 6,089,453); and claims 3 and 4 were rejected as unpatentable over Kayser in view of Deaton et al (US 6,292,786).

Claims 5-18 are canceled above. Claim 19 has been added. Claims 1-4 and 19 are now pending.

The rejections of claims 1-4 are respectfully traversed for the reasons explained in detail below.

Claims 1 and 19

As amended, claim 1 is directed to a computerized consumer shopping tool, comprising:

> an Internet web services system,
> a plurality of store specific electronic shelf label computer systems each linked to the Internet web services system for communication therewith, wherein each electronic shelf label system includes a database of electronic display tag display information records, a multiplicity of such records including a flag which when set acts as an annunciator trigger for controlling operation of an annunciator in a corresponding display tag, wherein each electronic shelf label system is operable to communicate information to the Internet web services system regarding products, such communicated information including the state of the flag associated with the products display tag information record;
> wherein the Internet web services system monitors the flag of such records for identifying products for which there is a related sale, special or other promotion, and for each identified product the Internet web services system makes available to consumers accessing the Internet web services system information indicating the sale, special or other promotion related thereto.

The action cites Kayser at Col. 45, line 59 - Col. 46, line 15 and Col. 13, lines 20-35 as disclosing the substance of claim 1 as originally filed. Applicants respectfully disagree. Kayser et al. makes no mention of the system 42 acting as an Internet web services system that monitors the state of a flag in electronic display tag display information records to identify products for which there is a related sale, special or other promotion. Rather, Kayser teaches that system 42

is a central office that provides a database of information to the computer 40 (see Col. 13 at lines 23-26). Moreover, Kayser also fails to teach that system 42 acts as an Internet web services system that makes available to consumers accessing the Internet web services system information indicating the sale, special or other promotion related identified products.

Turning to Deaton et al., such reference does state that:

> FIG. 12 illustrates a block diagram of a portion of system 10, showing the exchange of communication between customer computer 18 and UPC server 12. In this example, a user of customer computer 18 submits a shopping list to UPC server 12, as designated by arrow 116. In response, UPC server 12 submits a price list having the price of each item at each store 14 at which the user might shop, as designated by arrow 118. Therefore, by accessing UPC server 12, customers may determine at which store to shop for all items or for particular items. As an example, a customer selects one or more stores to price items and enters items to be priced. The customer's purchase history is used to aid the customer in selecting items for pricing. As items are presented for pricing, deals can optionally be presented to the customer that are based on items being priced. For example, Brand A paper towels is presented in the customer's list for pricing, so a deal that is stored for Brand B paper towels is presented to the customer. The prices for the customer's items are accessed from each store's item list and presented to the customer in total. One or more of the stores may have discount rates stored based on a customer's spending level. For example, the customer spends an average of $135.00 per week at Store A, and Store A has stored in its pricing table that any customer spending on average $75.00 or more per week would be presented with an incentive of 5% on purchases totaling $50.00 to $75.00 and 8% on purchase totals that exceed $75.00. This discount would be factored in and presented to the customer. The customer would then print out the shopping list stored by retail aisle for that particular store to facilitate shopping efficiency. Alternatively, the list could be processed for home delivery.
>
> Further, discounts may be electronically stored on UPC server 12 or a web site 124 associated with store 14 for subsequent access by the customer. The electronic discounts may also communicate to store 14 for application when the customer is identified purchasing the product associated with the discount. Alternatively, the electronic discounts may be made available to customer in a printed format by allowing customer computer to download a redeemable coupon stored on either a store web site 124 or UPC server 12. The customer may then print the redeemable coupon on a printer associated with customer computer 18. Such a coupon may include a unique identification number that is available at store 14 to prevent unlawful duplication of redeemable coupons. Once a coupon having a unique identification number is redeemed, no other coupons having that same number will be redeemed. Alternatively, a manufacturer may communicate product discounts to store web site 124, through UPC server 12, for viewing by customers.
>
> Furthermore, when shopping list 116 is submitted, UPC server may offer to one or more manufacturers 16 the opportunity to provide incentives to the particular customer submitting a shopping list. For example, manufacturer 16 may wish to offer incentives to such a customer, the content of the incentive being directed to the manufacturer's

> competing product for a product submitted in the shopping list. The providing of such incentives is illustrated by arrow 120.

However, applicants submit that such statements do not expressly or impliedly suggest that the UPC server 12 monitors the flag of records for identifying products for which there is a related sale, special or other promotion. In short, the cited art, even in combination, makes no mention of an Internet web services system that monitors the state of an annunciator flag for the purpose of identifying products for which there is a related sale, special or other promotion.

For all of the above reasons, claim 1 is believed patentable over Kayser and/or Kayser in view of Deaton.

Claim 19 is even further distinguishable over the cited references in that it requires that "in response to receipt of a user list of desired products, the Internet web services system produces a list indicating which of the desired products has an associated sale, special or other promotion related thereto." Applicants find no teaching for production of such a list in either Kayser or Deaton.

Claim 2

Amended claim 2 is directed to a computerized consumer shopping tool, comprising:

> an Internet web services system,
> at least one electronic shelf label system linked to the Internet web services system for communication therewith, the electronic shelf label system including a plurality of electronic display tags associated with products, a multiplicity of the tags including annunciators such as lights, the electronic shelf label system operable to control the annunciators to identify tags associated with products having a tiered pricing schedule wherein different prices for the products are provided to different consumers based upon a categorization of the consumer,
> wherein the Internet web services system receives tiered pricing information from the electronic shelf label system and provides a given consumer with access to the given consumers price tier for one or more products when the consumer accesses the Internet web services system and transmits identifying information to the Internet web services system.

Kayser et al. does not teach use of an Internet web services system that receives tiered pricing information from an electronic shelf label system and provides a given consumer with access to the given consumers price tier for one or more products when the consumer accesses the Internet web services system and transmits identifying information to the Internet web services system.

As noted above, Kayser teaches that system 42 is a central office that provides a database of information to the computer 40 (see Col. 13 at lines 23-26). Referring to Deaton, the cited portions of Deaton do state that certain consumers can be given discount rates based upon a prior purchase level, but do not teach that certain products have associated tiered pricing and that annunciators on tags associated with products having tiered pricing be controlled to indicate which products have tiered pricing. In short, as used in claim 2 tiered pricing is intended to refer to the application of special pricing to only certain products, while Deaton teaches the application of a discount to all products or to a total purchase price. When combined, Kayser and Deaton therefore fail to satisfy the limitations of claim 2. For these reasons, claim 2 is believed patentable over Kayser and/or the combination of Kayser and Deaton.

Claims 3 and 4

Claims 3 and 4 also relate to the use of tiered pricing for certain products and are therefore allowable for reasons similar to those set forth above for claim 2.

Conclusion

In view of the foregoing, claims 1-4 and 19 are believed allowable and should be passed to issue. Please contact the undersigned attorney with any questions regarding this response or application.

Respectfully submitted,

Date: 4/18/2003

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